

REMARKS/ARGUMENTS

Claims 1-3, 5-15 and 17-28 remain pending in the application with the present amendments. In the final Office Action, most of the claims were rejected under 35 U.S.C. §112 as failing to comply with the written description requirement. Specifically, the rejections relate to references within the claims to a unit which acquires image data "including a 3-dimensional image" of one commodity from a storage unit. With the present amendment, all references to the acquisition of a "3-dimensional image" have been deleted from the claims. Accordingly, applicant submits that the rejections of the claims under 35 U.S.C. §112 have all been overcome.

In the final Office Action, claims 1-3, 5-15 and 17-28 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,144,388 to Bornstein ("Bornstein") in view of the article by Pry entitled "Online Retailers Add 3-D Music to Web Sites for Sense of Reality" ("Pry"). For the reasons set forth below, applicant respectfully submits that the claims as amended herein overcome the rejections over Bornstein and Pry. Consideration of the amended claims and withdrawal of the rejections are respectfully requested.

As amended herein, claim 1 now recites an electronic commerce system in which a user terminal includes a display and a user input interface operable to receive input from a user for purchasing a commodity. A first storage unit is operable to store image data of commodities for sale to the user and user purchase history data including information concerning one or more prior purchases of one or more of the commodities by the user. Claim 1 is further amended to now recite that the supply unit is operable to supply the user purchase history data as well as the display image to the user terminal, thereby enabling the display image and the user purchase history data to be displayed on the display. With the user purchase data supplied

to the terminal, the supply unit is operable to display the user purchase history data. In such manner, the displayed user purchase history data is available for reference by the user in considering purchase of the one commodity depicted in the display image, and the user input interface is operable to receive the user input for purchasing the one commodity in response to the display of the display image.

By contrast, the combination of *Bornstein* with *Pry* neither teaches nor suggests the above-discussed features recited in claim 1. *Bornstein* merely describes a system for combining images of clothing and the like with an image of a user. *Bornstein* neither teaches nor suggests the storage of user purchase history data, and its supply and display at a terminal for reference by a user in considering purchase of a commodity depicted in the display image.

Pry does not provide the teachings which *Bornstein* lacks with respect to the invention recited in the presently amended claims. *Pry* merely describes a system which allows sellers to post images of wares which can be "viewed from different angles." Another statement refers to a "virtual walk-around." *Pry* neither teaches nor suggests storage of user purchase history data, and its supply and display at a terminal for reference by a user in considering purchase of a commodity depicted in the display image.

The Examiner states that the "means for" clauses in claims 26 through 28 were not treated as such for purposes of interpreting them in accordance with 35 U.S.C. §112, sixth paragraph. Applicant respectfully submits that these claims meet the requirements for construction as means plus function clauses under 35 U.S.C. §112, sixth paragraph and respectfully requests that they be treated as such.

Support for the present amendments is provided, *inter alia*, at paragraph [0051] of the Specification. The

Specification states that purchase history data are available to be viewed by users "whenever they want to view it."

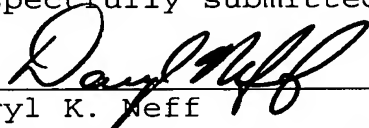
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 14, 2005

Respectfully submitted,

By


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